

# DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TRANSDERMAL COMPOSITIONS CONTAINING LOW MOLECULAR WEIGHT DRUGS WHICH ARE LIQUID AT ROOM TEMPERATURES**

the specification of which is attached hereto unless the following box is checked:

was filed on December 26, 1995 as United States Application Number or PCT International Application Number 08/578,308 and was amended on December 26, 1995 (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

**PRIOR FOREIGN APPLICATIONS(S)**

NUMBER	COUNTRY	DAY/MONTH/YEAR FILED	PRIORITY CLAIMED

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

APPLICATION NO.	FILING DATE

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS: PATENTED, PENDING, ABANDONED
08/472,759	June 7, 1995	Abandoned

I hereby appoint as my attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Stephen A. Bent, Reg. No. 29,768; David A. Blumenhal, Reg. No. 26,257; John J. Feldhaus, Reg. No. 28,822; Donald D. Jeffery, Reg. No. 19,980; Eugene M. Lee, Reg. No. 32,039; Peter G. Mack, Reg. No. 26,001; Brian J. McNamara, Reg. No. 32,789; Sybil Meloy, Reg. No. 22,749; George E. Quillin, Reg. No. 32,792; Colin G. Sandcock, Reg. No. 31,298; Bernhard D. Saxe, Reg. No. 28,665; Charles F. Schill, Reg. No. 27,590; Richard L. Schwab, Reg. No. 25,479; Arthur Schwartz, Reg. No. 22,115; Harold C. Wegner, Reg. No. 25,258.

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Address telephone communications to Sybil Meloy at (202) 672-5300.

I hereby declare that all statements made herein of my own knowledge are the true and that all statements made on information and belief are to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First or Sole Inventor <b>Juan MANTELLE</b>	Signature of First or Sole Inventor 	Date 3/26/96
Residence Address <b>Miami, Florida</b>	Country of Citizenship <b>U.S.A.</b>	
Post Office Address <b>10821 S.W. 92 Avenue, Miami, Florida 33176</b>		

Full Name of Second Inventor <i>David HOUZE</i>	Signature of Second Inventor 	Date 3/26/96
Residence Address <i>Coconut Grove, Florida</i>	Country of Citizenship <i>U.S.A.</i>	
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Applicant or Patentee: Juan MANTELLE et al  
Serial or Patent No.: 08/578,308 Atty. Dkt. No. 41457/297 NOPH  
Filed or Issued: December 26, 1995  
For: TRANSDERMAL COMPOSITIONS CONTAINING LOW MOLECULAR WEIGHT DRUGS WHICH ARE LIQUID AT ROOM TEMPERATURES

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) AND 1.27 (c)) — SMALL BUSINESS CONCERN**

I hereby declare that I am

- the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN NOVEN PHARMACEUTICALS, INC.

ADDRESS OF CONCERN 11960 S.W. 144th Street, Miami, Florida 33186

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18 and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled TRANSDERMAL COMPOSITIONS CONTAINING LOW MOLECULAR WEIGHT DRUGS WHICH ARE LIQUID AT ROOM TEMPERATURES by inventor(s) Juan MANTELLE et al. described in

- the specification filed herewith  
 application serial no. 08/578,308, filed December 26, 1995  
 patent no.                 , issued

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \* NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averting to their status as small entities: (37 CFR 1.27)

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
 INDIVIDUAL       SMALL BUSINESS CONCERN       NONPROFIT CORPORATION

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
 INDIVIDUAL       SMALL BUSINESS CONCERN       NONPROFIT CORPORATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate: (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Steven Sablotsky  
TITLE OF PERSON OTHER THAN OWNER: President  
ADDRESS OF PERSON SIGNING: 11960 S.W. 144th Street, Miami, Florida 33186  
SIGNATURE: Steven Sablotsky DATE: March 26, 1996